

Circuit Court for Cecil County
Case Nos: 07-K-16-000058 & 000099

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 250

September Term, 2020

RASHON LAMONT HARRIS

v.

STATE OF MARYLAND

Fader, C.J.,
Kehoe,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 5, 2021

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Pursuant to indictments filed in the Circuit Court for Cecil County in Case Nos. K-16-000058 and K-16-000099, Rashon Lamont Harris, appellant, was charged with first and second-degree child abuse and related offenses involving three children. The cases were consolidated for trial and, in 2017, a jury found Mr. Harris guilty of first and second-degree child abuse, second-degree assault, and other crimes. The court sentenced him to 36 months' imprisonment for the convictions in Case No. K-16-000058 and to a consecutively run term of 10 years' imprisonment for the convictions in Case No. K-16-000099. On direct appeal, this Court affirmed the judgment. *Harris v. State*, Nos. 9 & 12, September Term, 2018 (filed August 22, 2019).

In January 2020, Mr. Harris, representing himself, filed a Rule 4-345(a) motion to correct an illegal sentence in which he claimed that the trial court did not have jurisdiction over him because the arrest warrant was issued eight days after he was arrested, and hence his convictions and sentences were illegal. Mr. Harris appeals the circuit court's summary denial of his motion. For the reasons to be discussed, we shall affirm the judgment.

Mr. Harris claims that he was arrested on January 13, 2016 pursuant to “a warrantless non-consensual entry into [his] private residence,” but “the court has no record of service of process papers prepared and placed in the hands of the arresting sheriff.” Instead, he asserts that the record reflects that a warrant was issued on January 21, 2016

and served on January 27, 2016. He maintains, therefore, that his convictions and sentences are illegal.¹

The State, citing Rule 4-252, responds that Mr. Harris waived any “defect in the ‘institution of the prosecution’” by failing to challenge it in a timely filed pre-trial motion. But in any event, even if the arrest was unlawful – something the State does not concede – the State maintains that Mr. Harris’s sentences are not illegal because a court has jurisdiction over an individual who has committed a crime within its jurisdiction and who appears in its court, regardless of how the defendant was brought before the court.

We agree with the State that, despite any alleged illegality in the arrest, Mr. Harris’s convictions and sentences are not illegal. As the Court of Appeals stated long ago, “[t]he law is established in this State that even though an accused has been arrested unlawfully, he cannot escape punishment for that reason after he has been lawfully indicted, tried and convicted.” *Haynie v. Warden*, 210 Md. 668, 679 (1956). In others words, “[a]fter final judgment of conviction, the jurisdiction of the Court rendering the judgment[] cannot be questioned on the grounds that the accused was brought before it in an improper manner.” *Edmondson v. Brady*, 188 Md. 96, 99 (1947).

**JUDGMENT OF THE CIRCUIT COURT
FOR CECIL COUNTY AFFIRMED. COSTS
TO BE PAID BY APPELLANT.**

¹ Mr. Harris neglects to mention that he was initially charged with abusing one of the three children pursuant to a statement of charges filed in the District Court of Maryland for Cecil County. The docket entries in that case reflect that an arrest warrant was issued on January 8, 2016 and served on January 13, 2016. *See* docket entries in Case No. 2-K-00075021. The District Court case was later closed, after the indictment in Case No. K-16-000058 (involving the same child) was filed in the circuit court on January 20, 2016.